

## **REMARKS**

Claims 1-49 are original and pending.

### **Election/Restriction Requirement**

The claims are subjected to a restriction requirement under 35 U.S.C. §121 as containing two patentably distinct inventions:

I. Claims 1-17 and 45-49, drawn to a computer-readable media comprising computer executable instructions for detecting operations permitted for different editable nodes in a XML document, classified in class 715, subclass 516.

II. Claims 18-44, drawn to a computer-readable media comprising computer executable instructions for modifying XML data, classified in class 715, subclass 530.

Applicant hereby elects, with traverse, to prosecute Group II, claims 18-44 in the event that the restriction requirement is maintained.

Applicant argues below that the Office's restriction requirement is improper under MPEP 803 because examining the Application on its merits does not place the Office under a serious burden.

### **No Serious Burden Under MPEP 803**

The Office must examine an entire application on the merits even if the application includes claims to distinct or independent inventions if the search and

examination of an entire application can be made without serious burden on the Office. MPEP 803 states:

If the search and examination of an entire application can be made without serious burden, the examiner *must* examine it on the merits, *even though it includes claims to distinct or independent inventions*. (Emphasis added).

Applicant submits that the claims may be conveniently searched and examined together without a serious burden to the Office. The Office classified both sets of claims in class 715. By classifying all of the claims in one class, the Office has implicitly established that all of the claims may be searched and examined together without a serious burden on the Office.

#### **Increased Burden on the Office**

Processing one application instead of two likely will require less time for the Office to properly examine, process, issue, and manage. Many of the burdens that the Office bears in handling an application—especially administrative burdens—will be multiplied if this restriction is maintained. Withdrawing the restriction requirement and keeping the claims together in one application can prove more efficient and effective for the Office.

**Conclusion**

Applicant respectfully requests that the Office withdraw the restriction requirement.

Respectfully Submitted,

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